

over U.S. Patent No. 5,559,377 to *Abraham* in view of U.S. Patent No. 5,473,244 to *Libove et al.* Applicant submits that the combination of references does not teach all of the features of the present invention as claimed by applicant.

Applicant claims in claim 38 a non-invasive powerline communications system comprising: means for generating communication signals at a first location for transmission on a powerline; means for reactively coupling the communication signals to the powerline without tapping the powerline; and means for receiving said communication signals at a second location.

*Abraham* does not disclose “means for reactively coupling the communication signals to the powerline without tapping the powerline” (emphasis added) as claimed in claim 38. This feature is also present in independent claims 54-57. The Examiner acknowledged in the Office Action dated November 10, 1999 that *Abraham* fails to disclose this feature, and asserts that the feature can be found in *Libove* and that the combination of the teachings of *Libove* with *Abraham* would render the present invention obvious.

Applicant submits that *Libove* also fails to disclose “reactively coupling the communication signals to the powerline without tapping the powerline” as claimed by applicant. *Libove* discloses contactless measurement of current, voltage, power and power factor on a powerline. (See *Libove*, Col. 12, lines 21-25). However, nowhere does *Libove* disclose contactless coupling of communication signals to the powerline. Accordingly, the combination of the references would not yield the present invention.

Additionally, there is no motivation to combine the coupling device which uses

contactless measurements of *Libove* with the communication system of *Abraham* to produce a non-contact means for coupling the communication signals of *Abraham* to the powerline. Various bits of data or teachings of the prior art are not properly combined unless there is something in the prior art itself that suggests that those teachings could or should be combined. Both the suggestion for combining teachings to make the invention and its reasonable likelihood of success "must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

*Libove* does not teach or suggest using the coupling device which uses contactless measurements to reactively couple communication signals to a powerline. Additionally, *Abraham* does not teach or suggest coupling the communication signals to the powerline without tapping the powerline.

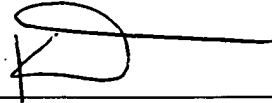
Therefore, because there is no motivation, teaching, or suggestion to combine the references, and because the combination of references would not yield the present invention, the applicant's claimed invention is not obvious and are in condition for allowance. Accordingly, claims 38-67 are in condition for allowance.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts,

(781)890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Kirk Teska', written over a horizontal line.

Kirk Teska

Reg. No. 36,291